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ON PETITION

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Washington DC 20036-2680

In re Application of
Duffett et al.
Application No. 09/830,447
Filed: April 27, 2001
Attorney Docket No. 41253

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This is a decision on the petition under 37 CFR §1.181(a) to withdraw the holding of abandonment, filed March 29, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application became abandoned for failure to timely submit a response to the non-final Office Action mailed November 6, 2003. The Notice set an extendable 3 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on February 7, 2004. A Notice of Abandonment was mailed on July 27, 2004.

Petitioner asserts that the non-final Office Action mailed on November 6, 2003 was never received. A review of the record indicates the non-final Office Action was mailed to an incorrect correspondence address. It appears the correspondence address was taken from a prior declaration. However, pursuant to MPEP 601.03 :

Where the applicant specifically directs the Office to use non-matching correspondence addresses in more than one paper, priority will be accorded to the correspondence address specified in the following order: (A) Application data sheet (ADS); (B) application transmittal; (C) oath or declaration (unless power of attorney is more current); and (D) power of attorney.

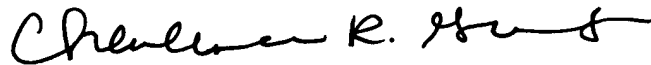
A review of the record shows that the address where petitioner receives mail is contained on the application transmittal form. Accordingly, the non-final Office Action was mailed to the incorrect address.

This application is being forwarded to Art Unit 2683 for re-mailing of the non-final Office Action to the current correspondence address of record. The non-final Office Action extendable period for reply will start upon the re-mailing of the Office Action.

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Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant", with a stylized flourish at the end.

Charlema R. Grant
Petitions Attorney
Office of Petitions